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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,342	04/12/2004	Tomoyuki Shimizu	CANO:134	3120

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EXAMINER	
ZHEN, LI B	
ART UNIT	**PAPER NUMBER**
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/822,342	SHIMIZU ET AL.	
	Examiner	Art Unit	
	Li B. Zhen	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10 and 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3 – 10 and 12 are presented for examination.

Response to Amendment

2. Amendment to the specification overcomes the previous objections to the specification.

Amendment to claims 3-8 overcomes the previous objection to the claims.

Amendment to claim 12 overcomes the 35 U.S.C. §101 rejection. Therefore, the rejection of claim 12 under 35 U.S.C. §101 is withdrawn.

Response to Arguments

3. In response to the Non-Final Office Action dated 11/01/2006, applicant argues:

(1) Rajan et al. fails to disclose that in the "notification content storing step, the update contents extracted between the immediately preceding output timing and the present output timing are sequentially added to the notification content," as claimed [p. 6]; and

(2) While it is true that Rajan et al. discloses checking for changes to data at a predetermined timing, it does not disclose outputting the notification content at a predetermined timing, as presently claimed [p. 6].

In response to argument (1), examiner notes that applicant's arguments with regards to independent claims 1, 10 and 12 are moot in view of the new grounds of

rejections. Examiner notes that the claim 9 does not include the features of "notification content storing step, the update contents extracted between the immediately preceding output timing and the present output timing are sequentially added to the notification content"; therefore the rejection of claim 9 under 35 U.S.C. 102(e) as being anticipated by Rajan is maintained.

As to argument (2), examiner respectfully disagrees and notes that Rajan discloses outputting the notification content at a predetermined timing. Rajan discloses that a user may select a specific frequency for each request entered and time function tells GSS how often it must check for data changes at included data sources [col. 16, lines 7 – 37]. After the GSS checks for data changes, the notification event of changed data is sent to the user's browser [col. 16, lines 47 – 56]. Since notification is sent to the user automatically after the GSS program to check for data changes, the outputting of the notification event would also occur at a predetermined timing. For example, Rajan discloses checking for data changes at the data sources every 10 minutes [col. 16, lines 7 – 56]. In this scenario, the client would be notified of changed data at the predetermined timing of every 10 minutes. In addition, it is noted that the limitation "predetermined timings" does not necessarily require the notification to be outputted at regular time intervals. For example, the phrase "predetermined timings" may be interpreted to mean, "when a particular event occurs". Rajan discloses a user may wish to be notified if his/her net worth falls below a certain amount, or if a particular stock price is falling at a pre-specified rate [col. 16, lines 7 – 23]. In this case, a notification is outputted at the predetermined timings of whenever his/her net worth falls below a

certain amount, or if a particular stock price is falling at a pre-specified rate. Rajan teaches the limitation "predetermined timings" under both interpretation because Rajan discloses outputting a notification at a user defined frequency and when a certain event occurs.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,633,910 to Rajan et al. [hereinafter Rajan, cited in the previous office action].

6. As to claim 9, Rajan teaches a method of notifying updates of data [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35], comprising:

a detecting step of detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38];

a notifying step [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] of notifying an update content [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] which indicates a difference [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49] between updated data detected in said detecting step [received data changes from Web-based sources; col. 17, lines 50 – 60] and data obtained from storing means [database 87 for existing data; col. 17, lines 50 – 60];

a storing step of storing at least the updated data [Guard 81 is programmed to compare data changes entered into database 87; col. 16, lines 37 – 49] corresponding to the update content notified last time [T 79 may be programmed to trigger GSS 77 to check all included data sources according to one frequency; col. 16, lines 23 – 38] in said notifying step in the storing means [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49];

wherein said notifying step [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] comprises notifying an update content [a notification event comprises at least summary data describing the

nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] which indicates a difference between the updated data [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49] detected in said detecting step [received data changes from Web-based sources; col. 17, lines 50 – 60] and the updated data stored in said storing step [database 87 for existing data; col. 17, lines 50 – 60].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1 and 3 – 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan in view of U.S. Patent Application Publication No. 2002/0023068 [hereinafter Hiraiwa].

9. As to claim 1, Rajan teaches the invention substantially as claimed including a method of notifying updates of data [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35], comprising:

a storing step of storing a plurality of data [Data stored in aggregation; col. 8, lines 25 – 34];

a relevant data detecting step of detecting relevant data from the plurality of data [perform the navigation to various sources in cloud 75 for the purpose of parsing and obtaining data; col. 14, lines 18 – 55 and col. 15, lines 48 – 63];

an update detecting step of detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38] by comparing the detected relevant data [Any new data found in source sites that does not match a last input template used at the source site is regarded as new data or a change in data; col. 14, lines 18 – 55];

an update content extracting step of extracting an update from the update data [a filter for the data/metadata that is collected by the gathering subsystem (GSS); col. 17, lines 28 – 40];

a notification content storing step of storing a notification content [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] having the update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49];

an outputting step of outputting the notification content at predetermined times [T function 79 tells GSS 77 how often it must check for data changes at included data sources, col. 16, lines 7 – 56 of Rajan; user may enter specific criteria needed to trigger

a notification with respect to any included data source, data, change in data, or condition met with respect to aggregated data over any number of sources. As an example, a user may wish to be notified if his/her net worth falls below a certain amount, or if a particular stock price is falling at a pre-specified rate; col. 16, lines 7 – 56]. Although Rajan teaches the invention substantially, Rajan does not specifically disclose update contents extracted between the immediately preceding output timing and the present output timing are sequentially added to the notification content.

However, Hiraiwa teaches a meta-information management unit that generates and transmits a stored document list (including update information or, more simply, a list of documents updated since the previous request) in response to an information collection request [p. 2, paragraph 0022], a relevant data detecting step of detecting relevant data from the plurality of data [when a document has been updated, the meta-information management unit accesses a document saved in the document storage unit and saves the document name along with document update information in the meta-information table; p. 2, paragraph 0027], an update content extracting step of extracting an update content from the update data [data transmission/reception unit 25 retrieves the relevant information from document storage unit; p. 2, paragraph 0032], an outputting step of outputting the notification content [returns the completed collected documents table to information collection apparatus; p. 3, paragraph 0041], wherein in said notification content storing step, the update contents extracted between the immediately preceding output timing [specifying a time T when a previous collection was made; p. 3, paragraph 0036] and the present output timing are sequentially added to the

notification content [If, in Step S7, document I has been modified since time T, the process goes to Step S8 and a reference to document I is added to the collected documents table, p. 3, paragraphs 0039 and 0040].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Rajan to incorporate the features of update contents extracted between the immediately preceding output timing and the present output timing are sequentially added to the notification content as taught by Hiraiwa because this allows the information collection apparatus to efficiently collect information and the information collection apparatus no longer carries out an information collection process for information that has not been updated thereby relieving a large burden on the information presentation apparatus [p. 2, paragraph 0024 of Hiraiwa].

10. As to claim 10, Rajan as modified teaches an update notifying apparatus [notification system; col. 11, lines 52 – 63 and col. 15, lines 25 – 35 of Rajan] comprising:

a storing device that stores a plurality of data [Data stored in aggregation; col. 8, lines 25 – 34 of Rajan];

a relevant data detecting device that detects relevant data from the plurality of data [perform the navigation to various sources in cloud 75 for the purpose of parsing and obtaining data; col. 14, lines 18 – 55 and col. 15, lines 48 – 63 of Rajan];

an updated detecting device that detects update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site

wherein data is frequently and rapidly changing; col. 16, lines 23 – 38 of Rajan] by comparing the detected relevant data [Any new data found in source sites that does not match a last input template used at the source site is regarded as new data or a change in data; col. 14, lines 18 – 55 of Rajan];

an update content extracting device for extracting an update content from the update data [a filter for the data/metadata that is collected by the gathering subsystem (GSS); col. 17, lines 28 – 40 of Rajan];

a notification content storing device that stores a notification content [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65 of Rajan] having the update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49 of Rajan]; and

an outputting device that outputs the notification content at predetermined timings [T function 79 tells GSS 77 how often it must check for data changes at included data sources, col. 16, lines 7 – 56 of Rajan; user may enter specific criteria needed to trigger a notification with respect to any included data source, data, change in data, or condition met with respect to aggregated data over any number of sources. As an example, a user may wish to be notified if his/her net worth falls below a certain amount, or if a particular stock price is falling at a pre-specified rate; col. 16, lines 7 – 56 of Rajan];

wherein said notification content storing device sequentially adds the update contents extracted between the immediately preceding output timing [specifying a time T when a previous collection was made; p. 3, paragraph 0036 of Hiraiwa] and the present output timing to the notification content [If, in Step S7, document I has been modified since time T, the process goes to Step S8 and a reference to document I is added to the collected documents table, p. 3, paragraphs 0039 and 0040 of Hiraiwa].

11. As to claim 12, Rajan as modified teaches a computer-readable medium storing a program for causing a computer to execute an update notifying method [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35 of Rajan], comprising:

a storing module for storing a plurality of data [Data stored in aggregation; col. 8, lines 25 – 34 of Rajan];

a relevant data detecting module for detecting relevant data from the plurality of data [perform the navigation to various sources in cloud 75 for the purpose of parsing and obtaining data; col. 14, lines 18 – 55 and col. 15, lines 48 – 63 of Rajan];

an update detecting module for detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38 of Rajan] by comparing the detected relevant data [Any new data found in source sites that does not match a last input template used at the source site is regarded as new data or a change in data; col. 14, lines 18 – 55 of Rajan];

an update content extracting step of extracting an update content from the update data [a filter for the data/metadata that is collected by the gathering subsystem (GSS); col. 17, lines 28 – 40 of Rajan];

a notification content storing module for storing a notification content [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65 of Rajan] having the update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49 of Rajan]; and

an outputting module for outputting the notification content at predetermined timings [T function 79 tells GSS 77 how often it must check for data changes at included data sources, col. 16, lines 7 – 56 of Rajan; user may enter specific criteria needed to trigger a notification with respect to any included data source, data, change in data, or condition met with respect to aggregated data over any number of sources. As an example, a user may wish to be notified if his/her net worth falls below a certain amount, or if a particular stock price is falling at a pre-specified rate, col. 16, lines 7 – 56 of Rajan];

wherein in said notification content storing module, the update contents extracted between the immediately preceding output timing [specifying a time T when a previous collection was made; p. 3, paragraph 0036 of Hiraiwa] and the present output timing are sequentially added to the notification content [If, in Step S7, document I has been

modified since time T, the process goes to Step S8 and a reference to document I is added to the collected documents table, p. 3, paragraphs 0039 and 0040 of Hiraiwa].

12. As to claim 3, Rajan as modified teaches the outputting step comprises notifying all the update contents [T 79 may be programmed to trigger GSS 77 to check all included data sources according to one frequency; col. 16, lines 23 – 38 of Rajan] stored in the notification content storing step after outputting last time [If, in Step S7, document I has been modified since time T, the process goes to Step S8 and a reference to document I is added to the collected documents table, p. 3, paragraphs 0039 and 0040 of Hiraiwa].

13. As to claim 4, Rajan teaches the update content includes at least states before [database 87 for existing data; col. 17, lines 50 – 60] and after update [received data changes from Web-based sources; col. 17, lines 50 – 60] of updated part of the data [col. 16, line 56 – col. 17, line 5 and col. 3, lines 53 – 65].

14. As to claim 5, Rajan teaches the update content extracting step extracts the update content in a case where the update satisfies a predetermined criterion [guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48 and col. 17, lines 28 – 40].

15. As to claim 6, Rajan teaches the predetermined timings in said outputting step are externally designated [user may select a specific frequency (i.e. how often the formula of the request is calculated) for each request entered; col. 16, lines 7 – 39].

16. As to claim 7, Rajan teaches the predetermined timings in said outputting step are scheduled in advance [Data stored in aggregation is forwarded to layer 55 according to a pre-assigned schedule for processing; col. 8, lines 25 – 34 and col. 16, lines 7 – 39].

17. As to claim 8, Rajan as modified teaches an update criterion-setting step of setting an update criterion [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration; col. 16, lines 36 – 49 of Rajan] to be applied in outputting a notified party of the updated contents [guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48 of Rajan]; wherein in said update content extracting step [guard 81 may be used to mine database 87 for existing data to compare against received data changes from Web-based sources; col. 17, lines 50 – 60 of Rajan] extracts a portion of latest update data satisfying the update criterion set in said update criterion-setting step, as the updated content [If guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification

control module 85; col. 16, lines 36 – 48 of Rajan and p. 3, paragraphs 0039 and 0040 of Hiraiwa].

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Li B. Zhen
Examiner
Art Unit 2194

LBZ

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